

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROBERT MERRITT,

Plaintiff,

v.

ED HARTMAN,

Defendant.

CIVIL ACTION
No. 19-2008

ORDER

AND NOW, this 20th day of August, 2020, upon review of Defendant Ed Hartman's Motion to Dismiss, and for the reasons stated in the accompanying Memorandum Opinion, it is hereby **ORDERED** as follows:

1. Defendant's Motion is **GRANTED IN PART** and **DENIED IN PART**. (*See* ECF No. 31.);
2. Plaintiff's claims under the Eighth and Thirteenth Amendments of the United States Constitution are **DISMISSED WITH PREJUDICE**;
3. Plaintiff's claims under the Due Process Clause of the Fourteenth Amendment of the United States Constitution survive this Motion;
4. Plaintiff's "Motion for Relief, Default [] Judgment, [Settlement Conference], and [Summary] Judgment" is **DENIED** as frivolous. (*See* ECF No. 36.); and
5. Plaintiff's "Motion to Order the Judge to Order the Defendant to Respond to Your Order Within 20 Day[s,] and if not, Within 20 Day[s] Grant [an] Order for Def[a]ult

Judgment in My Favor and Also Settlement Conference” is **DENIED** as frivolous. (*See* ECF No. 37.)

BY THE COURT:

/s/ Jeffrey L. Schmehl
Jeffrey L. Schmehl, J.